

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,

Plaintiff,

-against-

LULULEMON USA INC.,

Defendant.

23-CV-771 (AS)

ORDER

ARUN SUBRAMANIAN, United States District Judge:

The Court evaluates motions to seal under the Second Circuit’s three-prong test, which 1) asks whether relevant documents are “judicial documents,” 2) considers the “weight” of the “common law presumption of access,” and finally 3) “balance[s] competing considerations,” including law enforcement needs, judicial efficiency, and private interests. *Lugosch v. Pyramid Co.*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted).

Nike moved to seal its opposition to Lululemon’s renewed motion to stay and an attached exhibit. Dkt. 209. Lululemon submitted a letter in partial support. Dkt. 214. The letter requested that only portions of Nike’s filings be sealed. Given that the information sought to be sealed in Nike’s motion is “information and material that [L]ululemon has designated confidential” and a document that Lululemon designated as “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order, it is Lululemon’s private interests that are at stake. Dkt. 209. However, Lululemon itself only requests that specific portions of the filings be sealed. Based on the Court’s review of the filings, the parties’ arguments, and consideration of the *Lugosch* test, the Court finds that sealing is warranted for the portions identified in Lululemon’s letter at Dkt. 214.

Nike’s motion is GRANTED IN PART, to the extent supported in Lululemon’s letter at Dkt. 214. The Clerk of Court is directed to terminate the motions at Dkt. 209.

SO ORDERED.

Dated: October 3, 2024

New York, New York


ARUN SUBRAMANIAN
United States District Judge